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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,505	08/15/2001	Amiya kumar Mishra	006175-030	8230

7590 08/20/2003

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT PAPER NUMBER

3752

DATE MAILED: 08/20/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/929,505

Applicant(s)

MISHRA, AMIYA KUMAR

Examiner

Christopher S. Kim

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/16/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Request for reconsideration filed June 16, 2003 is acknowledged.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "second speed different than said first speed" recited in claims 4, 5, 14 and 17; the "proportional control valve" recited in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. Claims 1-3, 11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer (3780,955).

Palmer discloses a material spreader comprising: a trough 36, 36A; at least two conveying mechanisms 34; a hydraulic motor 86.

***Claim Rejections - 35 USC § 103***

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (3780,955).

Palmer discloses the limitations of the claimed invention with the exception of the first and second speeds which are different. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have operated the hydraulic motors 86 at different speeds in the device of Palmer to vary the amount of materials distributed between the left and right sides of the vehicle.

6. Claims 5-9, 12-14 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (3780,955) in view of Gruben (3,559,893).

With respect to claims 5, 6, 8, 9, 12, 13, 14 and 17, Palmer discloses the limitations of the claimed invention with the exception of the auger and spinner. Gruben discloses augers 44a, 44b, 44c and spinners 82 having chutes 95. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have replaced the lateral continuous belts of Palmer with the auger and spinner of Gruben to control the throw of the material (Gruben, column 4, lines 36-40).

With respect to claim 7, a proportional control valve is inherent in the device of Palmer. See Palmer, column 5, lines 60-65.

7. Claims 1-14 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Gruben (3,559,893) in view of Palmer (3780,955).

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With respect to claims 1-9, 11-14 and 17, Gruben discloses a material spreader comprising: a trough 42; at least two conveying mechanisms 44a, 44b; a hydraulic motor 62. Gruben differs from what is being claimed in the two conveying mechanisms being independently driven. Gruben discloses one hydraulic motor 62 driving both augers 44a and 44b. Palmer teaches two conveyors 34 driven independently by hydraulic motors 86. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have independently driven the augers of Gruben using two separate augers and hydraulic motors as taught by Palmer to enable folding of the lateral conveyors.

With respect to claim 10, Gruben in view of Palmer discloses the limitations of the claimed invention with the exception of the chain. Gruben discloses a linkage 97 to adjust chute 95. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have replaced the linkage of Gruben in view of Palmer with a chain to ease manipulation and allow for compression.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-14, 17 and 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Posselot and Richey discloses lateral augers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703) 308-2087. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Christopher S. Kim  
Primary Examiner  
Art Unit 3752

CK  
August 15, 2003